

## **CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1001**

**Citations Affected:** IC 4; IC 5; IC 9; IC 10; IC 12; IC 20; IC 22; IC 31; IC 34; IC 35; noncode.

**Synopsis:** Antiterrorism measures. Proposed conference committee report for EHB 1001. Establishes the counterterrorism and security council. Provides that \$1.25 of the service charge established by administrative rules before January 1, 2002, for certain BMV transactions is to be used in paying the costs of an integrated wireless public safety communications system until July 1, 2019, and authorizes the state office building commission to issue bonds to finance construction of the system. Provides for a portion of the \$1.25 services charge to be used for the state police crime laboratory backlog. Appropriates from the state license branch fund to the integrated public safety communications fund an amount equal to \$1.25 multiplied by the number of relevant BMV transactions occurring after December 31, 2001, and before July 1, 2002. Establishes new restrictions concerning the issuance of commercial driver's licenses and hazardous materials endorsements. Authorizes the state police (instead of the department of administration) to provide security for state property. Authorizes the superintendent of state police to assign a special police employee to serve on a riverboat. Requires the state emergency management agency to develop a statewide mutual aid program and a statewide mutual aid agreement. Provides that a student who brings a destructive device to school or possesses a destructive device on school property must be expelled for at least one calendar year. Provides that a vehicle, money, or other assets may be seized if used in the commission of certain offenses as part of an act of terrorism. Establishes various requirements and criminal offenses concerning certain regulated explosives or devices. Establishes or enhances various criminal penalties for disorderly conduct on airport premises, use of the identity of another person with the intent to commit terrorism or to obtain a weapon of mass destruction, money laundering with the intent to further terrorism, possession of a weapon of mass destruction with the intent to carry out terrorism, dissemination of a substance with the intent to cause a person to believe that the substance is a weapon of mass destruction, or interruption or impairment of work conducted in a food processing facility. Repeals: (1) the definition of regulated explosive; (2) the financial responsibility requirements for a regulated explosive manufacturer; (3) the current statute defining the crime of selling, manufacturing, purchasing, or possessing certain bombs and explosives; and (4) a statute that authorizes the commissioner of the department of administration

to issue warrants for the recovery of unlawfully possessed state property. (This conference committee report does the following: (1) Restores the communications system infrastructure program and its funding and adds the appropriation from the state license branch fund to the integrated public safety communications fund. (2) Adds the funding for the backlog of state police laboratory cases. (3) Removes the construction industry disaster volunteer program and all immunity provisions from the bill. (4) Removes provisions relating to crimes involving aircraft already contained in SEA 10-2002. (5) Removes the enhancement of the penalty for criminal trespass committed at a food processing facility. (6) Reconciles conflicts between the bill and HEA 1010-2002 and SEA 104-2002. (7) Makes technical corrections.)

**Effective:** July 1, 2002.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1001 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 4, delete lines 2 through 42.
- 2 Page 5, delete lines 1 through 29, begin a new paragraph and insert:
- 3 "SECTION 2. IC 4-13.5-1-1, AS AMENDED BY P.L.291-2001,
- 4 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2002]: Sec. 1. As used in this article:
- 6 "Commission" refers to the state office building commission.
- 7 **"Communications system infrastructure" has the meaning set**
- 8 **forth in IC 5-26-5-1.**
- 9 "Construction" means the erection, renovation, refurbishing, or
- 10 alteration of all or any part of buildings, improvements, or other
- 11 structures, including installation of fixtures or equipment, landscaping
- 12 of grounds, site work, and providing for other ancillary facilities
- 13 pertinent to the buildings or structures.
- 14 "Correctional facility" means a building, a structure, or an
- 15 improvement for the custody, care, confinement, or treatment of
- 16 committed persons under IC 11.
- 17 "Department" refers to:
- 18 **(1) the integrated public safety commission, for purposes of a**
- 19 **facility consisting of communications system infrastructure;**

1           **and**

2           **(2) the Indiana department of administration, for purposes of all**  
 3           **other facilities.**

4           "Mental health facility" means a building, a structure, or an  
 5           improvement for the care, maintenance, or treatment of persons with  
 6           mental or addictive disorders.

7           "Facility" means all or any part of one (1) or more buildings,  
 8           structures, or improvements (whether new or existing), or parking areas  
 9           (whether surface or an above or below ground parking garage or  
 10          garages), owned or leased by the commission or the state for the  
 11          purpose of:

12          (1) housing the personnel or activities of state agencies or branches  
 13          of state government;

14          (2) providing transportation or parking for state employees or  
 15          persons having business with state government;

16          (3) providing a correctional facility;

17          (4) providing a mental health facility; ~~or~~

18          (5) providing a regional health facility; **or**

19          **(6) providing communications system infrastructure.**

20          "Person" means an individual, a partnership, a corporation, a limited  
 21          liability company, an unincorporated association, or a governmental  
 22          entity.

23          "Regional health facility" means a building, a structure, or an  
 24          improvement for the care, maintenance, or treatment of adults or  
 25          children with mental illness, developmental disabilities, addictions, or  
 26          other medical or rehabilitative needs.

27          "State agency" means an authority, a board, a commission, a  
 28          committee, a department, a division, or other instrumentality of state  
 29          government, but does not include a state educational institution (as  
 30          defined in IC 20-12-0.5-1).

31          SECTION 3. IC 4-13.5-1-6 IS AMENDED TO READ AS  
 32          FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. **Subject to section**  
 33          **8 of this chapter**, the commission may not enter into:

34          (1) a contract for the performance of work, other than a contract of  
 35          employment with a professional person or a commission employee;

36          or

37          (2) a contract for the purchase or sale of materials or supplies;  
 38          without complying with IC 4-13-2 and the rules and procedures of the  
 39          department.

40          SECTION 4. IC 4-13.5-1-8, AS AMENDED BY P.L.195-2001,  
 41          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42          JULY 1, 2002]: Sec. 8. (a) The commission may employ architects,  
 43          engineers, space planners, construction managers, and other  
 44          professional persons it considers necessary to prepare complete plans  
 45          and specifications necessary for bidding for construction. The  
 46          commission shall consider economy of operation to the extent  
 47          practicable in preparing and approving plans and specifications.

48          (b) The plans and specifications shall be presented for approval to:

49          (1) the department;

50          (2) if the facility is designed to house the supreme court or court of  
 51          appeals, the administrator of the supreme court for approval by the

courts; and

(3) if the facility is a correctional facility, the department of correction; and

**(4) if the facility consists of communications system infrastructure, the integrated public safety commission.**

(c) After the plans and specifications have been approved by the commission under subsection (b), the commission shall advertise for and receive construction bids and award contracts to the best bidders in the same manner as required by law for the department. **However, with respect to a facility that consists of communications system infrastructure, if the commission finds that the integrated public safety commission has already advertised for and received construction bids or awarded contracts to the best bidders, or both, substantially in the same manner as required by law for the Indiana department of administration, the commission is not required to repeat the advertisement, receipt of bids, or award of contracts. In making the finding described in this subsection, the commission may rely upon a certificate of the integrated public safety commission. If the commission makes the finding described in this subsection, that is all the authority the commission needs to accept the assignment of the bids or contracts or both, from the integrated public safety commission, and all the authority the integrated public safety commission needs to assign the bids or contracts, or both, to the commission.**

(d) With regard to participation by minority and women's business enterprises (as defined in IC 4-13-16.5-1 and IC 4-13-16.5-1.3), the commission shall act in the same manner as required by law for the department."

Page 8, line 9, delete "However,".

Page 8, delete lines 10 through 13.

Page 8, between lines 34 and 35, begin a new paragraph and insert:  
 "SECTION 11. IC 5-26-3-6, AS ADDED BY P.L.117-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) In addition to the powers enumerated in IC 5-26-2-5, the commission has the following powers related to the system:

(1) Ensuring that federal and state communications requirements are followed.

(2) Providing system planning, including mutual aid planning and compatibility planning with other public safety agency communications systems.

(3) Creating a standard user agreement.

(4) Providing assistance to local public safety agencies in making equipment purchases.

(5) Assessing charges for using the system.

**(6) Entering into and performing use and occupancy agreements concerning the system under IC 4-13.5.**

**(7) Exercising any power necessary to carry out this chapter.**

(b) The Indiana statewide wireless public safety voice and data communications system may use the facilities of commercial mobile radio service providers (as defined in 47 USC 332). If the commission

1 chooses to contract with one or more commercial mobile radio service  
 2 providers to provide the system, the commission may delegate the  
 3 responsibilities in subsection (a) to the commercial mobile radio  
 4 service providers.

5 SECTION 12. IC 5-26-4-1, AS ADDED BY P.L.117-1999,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2002]: Sec. 1. (a) The integrated public safety  
 8 communications fund is established to be used only to carry out the  
 9 purposes of this article. The fund shall be administered by the  
 10 commission.

11 (b) The fund consists of:

12 (1) appropriations from the general assembly;

13 (2) gifts;

14 (3) federal grants;

15 (4) fees and contributions from user agencies that the commission  
 16 considers necessary to maintain and operate the system; and

17 (5) money from any other source permitted by law.

18 (c) The treasurer of state shall invest the money in the fund not  
 19 currently needed to meet the obligations of the fund in the same  
 20 manner as other public funds may be invested. Interest that accrues  
 21 from these investments shall be deposited in the fund.

22 (d) Money in the fund at the end of a state fiscal year does not revert  
 23 to the state general fund.

24 **(e) If federal funds are not sufficient to pay for the system, the**  
 25 **commission shall transfer money from the fund to the**  
 26 **communications system infrastructure fund established by**  
 27 **IC 5-26-5-4 in amounts sufficient to pay rentals and other**  
 28 **obligations under use and occupancy agreements or other**  
 29 **contracts or leases relating to the financing of the system under**  
 30 **IC 4-13.5.**

31 SECTION 13. IC 5-26-4-2 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33 1, 2002]: Sec. 2. **The money in the fund is annually appropriated as**  
 34 **follows:**

35 **(1) To the commission, for its use, subject to the approval of**  
 36 **the budget agency, in the acquisition, construction, equipping,**  
 37 **operation, maintenance, and financing of the system and state**  
 38 **user equipment for the system, including the payment of**  
 39 **rentals and other obligations under use and occupancy**  
 40 **agreements or other contracts or leases relating to the**  
 41 **financing of the system under IC 4-13.5.**

42 **(2) To the state police department, such amounts as determined**  
 43 **by the budget agency that are sufficient to enable the state**  
 44 **police crime laboratory to address any backlog of cases to be**  
 45 **processed by the laboratory. The appropriations under this**  
 46 **subdivision are subject to the payment of rentals and other**  
 47 **obligations under use and occupancy agreements or other**  
 48 **contracts or leases relating to the financing of the system under**  
 49 **IC 4-13.5.**

50 SECTION 14. IC 5-26-5 IS ADDED TO THE INDIANA CODE AS  
 51 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2002]:

**Chapter 5. Communications System Infrastructure Fund**

**Sec. 1.** As used in this chapter, "communications system infrastructure" means all or part of the infrastructure of the system described in IC 5-26-3, including:

(1) towers and the associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the tower to function as part of the system;

(2) the radio and network equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(3) any other necessary, proper, or convenient elements of the system.

**Sec. 2.** As used in this chapter, "construction" means the erection, renovation, refurbishing, or alteration of all or any part of buildings, improvements, or other structures, including installation of fixtures or equipment, landscaping of grounds, site work, and providing for other ancillary facilities pertinent to the buildings or structures.

**Sec. 3.** As used in this chapter, "infrastructure fund" refers to the communications system infrastructure fund.

**Sec. 4.** The communications system infrastructure fund is established for the purpose of providing communications system infrastructure. The infrastructure fund consists of distributions received under IC 5-26-4-1(e).

**Sec. 5.** The infrastructure fund shall be administered by the commission. The treasurer of state shall invest the money in the infrastructure fund not currently needed to meet the obligations of the infrastructure fund in the same manner as other public funds may be invested.

**Sec. 6.** Money in the infrastructure fund at the end of a state fiscal year does not revert to the state general fund.

**Sec. 7.** The commission may use the money in the infrastructure fund only to pay the following:

(1) The cost of construction of communications system infrastructure.

(2) The cost of acquisition or leasing of all real or personal property required for the construction of communications system infrastructure.

(3) The cost of operation and maintenance of communications system infrastructure.

(4) The cost of demolishing or removing any buildings, structures, or improvements on property acquired by the commission for the construction of communications system infrastructure.

(5) Engineering and legal expenses, other professional services, and the costs of plans, specifications, surveys, estimates, and any necessary feasibility studies.

(6) Payment of rentals and other obligations and performance of other obligations under use and occupancy agreements or

other contracts or leases relating to the financing of communications system infrastructure under IC 4-13.5.

**Sec. 8. The commission shall pay its obligations under any use and occupancy agreement or any other contract or lease with the state office building commission from money deposited in the infrastructure fund before making any other disbursement or expenditure of the money.**

**Sec. 9. There is annually appropriated to the commission the money in the infrastructure fund for its use, subject to the approval of the budget agency, in carrying out the purposes described in section 7 of this chapter."**

Page 10, between lines 13 and 14, begin a new paragraph and insert:  
"SECTION 17. IC 9-29-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 23. (a) **Except as provided in subsections (b) and (c) or as otherwise provided in this chapter,** the service charges collected under this chapter shall be deposited in the state license branch fund established under IC 9-29-14.

**(b) Before July 1, 2019, one dollar and twenty-five cents (\$1.25) of each service charge increase established by a rule adopted under section 19 of this chapter before January 1, 2002, for services described in sections 4, 6, 7, 8, 9, 10, 11, 12, 14, and 18 of this chapter shall be deposited in the integrated public safety communications fund established by IC 5-26-4-1. After June 30, 2019, the amount described in this subsection shall be deposited in the state license branch fund as provided in subsection (a).**

**(c) Before July 1, 2019, one dollar and twenty-five cents (\$1.25) of each service charge established by a rule adopted under section 19 of this chapter before January 1, 2002, for services described in IC 9-29-15-1 shall be deposited in the integrated public safety communications fund established by IC 5-26-4-1. After June 30, 2019, the amount described in this subsection shall be deposited in the state license branch fund as provided in subsection (a)."**

Page 11, delete lines 34 through 42.

Delete page 12.

Page 13, delete lines 1 through 4.

Page 16, delete lines 8 through 42.

Delete pages 17 through 18.

Page 19, delete lines 1 through 34.

Page 26, line 19, delete "P.L.17-2001," and insert "HEA 1010-2002,".

Page 26, line 20, after "SECTION" delete "9," and insert "1,".

Page 28, between lines 11 and 12, begin a new line block indented and insert:

"(10) Any equipment used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.".

Page 28, line 12, delete "(10)" and insert "(11)".

Page 28, between lines 19 and 20, begin a new paragraph and insert:  
"(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in



- 1 conduct that subjects it to seizure under subsection (a)(10).".
- 2 Page 28, line 20, delete "(c)" and insert "(d)".
- 3 Page 30, delete lines 17 through 21.
- 4 Page 31, delete lines 19 through 42.
- 5 Delete page 32.
- 6 Page 33, delete lines 1 through 15.
- 7 Page 35, delete lines 23 through 42.
- 8 Delete page 36.
- 9 Page 37, delete lines 1 through 8.
- 10 Page 40, line 42, strike "sections" and insert "**section**".
- 11 Page 41, delete lines 24 through 42.
- 12 Page 42, delete lines 1 through 15.
- 13 Page 42, line 23, delete "knows or should know" and insert "**has**
- 14 **reason to believe**".
- 15 Page 52, line 34, delete "or" and insert "**nor**".
- 16 Page 54, line 5, delete "knows or should know" and insert "**has**
- 17 **reason to believe**".
- 18 Page 60, delete lines 2 through 9, begin a new paragraph and insert:
- 19 "SECTION 61. [EFFECTIVE JULY 1, 2002] (a) **The general**
- 20 **assembly finds that the state needs the construction, equipping,**
- 21 **purchasing, leasing, renovation, refurbishing, or alteration of**
- 22 **communications system infrastructure (as defined in IC 5-26-5-1,**
- 23 **as added by this act).**
- 24 (b) **The general assembly finds that the state will have a**
- 25 **continuing need for use and occupancy of the communications**
- 26 **system infrastructure described in subsection (a). The general**
- 27 **assembly authorizes the state office building commission to provide**
- 28 **the communications system infrastructure described in subsection**
- 29 **(a) under IC 4-13.5-1 and IC 4-13.5-4, including the borrowing of**
- 30 **money or the issuance and sale of bonds, or both, under**
- 31 **IC 4-13.5-4.**
- 32 SECTION 62. [EFFECTIVE JULY 1, 2002] (a) **As used in this**
- 33 **SECTION, "applicable statute" refers to the following:**
- 34 (1) **IC 9-29-3-4.**
- 35 (2) **IC 9-29-3-6.**
- 36 (3) **IC 9-29-3-7.**
- 37 (4) **IC 9-29-3-8.**
- 38 (5) **IC 9-29-3-9.**
- 39 (6) **IC 9-29-3-10.**
- 40 (7) **IC 9-29-3-11.**
- 41 (8) **IC 9-29-3-12.**
- 42 (9) **IC 9-29-3-14.**
- 43 (10) **IC 9-29-3-18.**
- 44 (11) **IC 9-29-15-1.**
- 45 (b) **There is appropriated from the state license branch fund to**
- 46 **the integrated public safety communications fund established by**
- 47 **IC 5-26-4-1 an amount equal to the result obtained in STEP TWO**
- 48 **of the following formula:**
- 49 **STEP ONE: Determine the number of transactions under an**
- 50 **applicable statute after December 31, 2001, and before July 1,**
- 51 **2002.**

- 1       **STEP TWO: Multiply the number determined in STEP ONE**
- 2       **by one dollar and twenty-five cents (\$1.25).**
- 3       **(c) This SECTION expires July 1, 2003."**
- 4       Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as reprinted February 26, 2002.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1001**

**S**igned by:

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Representative Gregg  
Chairperson

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Senator Wyss

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Representative Murphy

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Senator Young R

**House Conferees**

**Senate Conferees**